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February 1, 2000 LB 175

the wolf and the humble bee were all at odds just being three. and then the wolf came out the door and stayed the odds by making four. So when I see conferences, I get very nervous. Actually, (laugh) I don't. But why would I argue that this bill should be killed? For those who may not be aware of it, I think it's a bad bill. It's one-sided for the landlords. An irony is that a law such as this...a bill such as this can be enacted into law. The law can have provisions such as are on the books now, but a contract which so clearly overreaches would be struck down by a court. It's what's known as an adhesion contract. It means there is such a disparity in the relative positions of the contracting parties that one of them is not able to negotiate or for a fair contract. So, because there is such overreaching, such a disparity between the parties, there was no meeting of the minds, and those types of contracts are struck down routinely as being violative of public policy. The law should not be utilized, misused and abused to allow the overreachers to take advantage, and have it sanctioned by the law, of those who cannot help themselves. LB 175 is one of the starkest, most unconscionable examples of that. If you read what is in that green copy you will see that the descriptive words I have used apply--exploitive, gouging, unfair, greedy. And you know what General...or "Senator" Radcliffe should have done to show that what I'm saying is not true? He should have gotten figures from the landlords to show how many of them return security deposits. Show what the trend is in that... I don't want to call it a racket because there are some people who are landlords who try to be fair. There are some people who are landlords who are taken advantage of by tenants, so I'm not going to call it a racket. I'm going to say it's the type of endeavor which lends itself to racketlike activities unscrupulous people known as landlords, and they are trying to get the Legislature to put those unscrupulous, gouging actions the law and it should not be done. So, if you adopt this amendment or reject this amendment and adopt the underlying bracket motion, LB 175 is unceremoniously put to death. It's kind of interesting that the joint custody bill was bracketed, but not LB 175. I don't know if there are values at work here or if, as I've suggested, it is on this bill the senators had declare . . . decided . . .

PRESIDENT MAURSTAD: One minute.